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10 **BEFORE THE**
11 **BOARD OF REGISTERED NURSING**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

Case No. *2008-194*

14 **TERESA ANNE MULLIN**

300 Cagney Lane, Apt. 211

15 Newport Beach, California 92663

A C C U S A T I O N

16 Registered Nurse License No. 388634

Nurse Practitioner Certification No. 8642

17 Nurse Practitioner Furnishing Certification No. 8642

18 Respondent.

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20 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

21 **PARTIES**

22 1. Complainant brings this Accusation solely in her official capacity as the
23 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
24 Affairs.

25 **Registered Nurse License**

26 2. On or about August 31, 1985, the Board issued Registered Nurse License
27 Number 388634 to Teresa Anne Mullin ("Respondent"). The license will expire on
28 October 31, 2008, unless renewed.

1 **Nurse Practitioner Certification**

2 3. On or about September 5, 1996, the Board issued Nurse Practitioner
3 Certification Number 8642. The certification will expire on October 31, 2008, unless renewed.

4 **Nurse Practitioner Furnishing Certification**

5 4. On or about November 3, 1998, the Board issued Nurse Practitioner
6 Furnishing Certification Number 8642. The certification will expire on October 31, 2008, unless
7 renewed.

8 **STATUTORY PROVISIONS**

9 5. Business and professions Code ("Code") section 2750 provides, in
10 pertinent part, that the Board may discipline any licensee, including a licensee holding a
11 temporary or an inactive license, for any reason provided in Article 3 (commencing with section
12 2750) of the Nursing Practice Act.

13 6. Code section 2761(a) states, in pertinent part, that the Board may take
14 disciplinary action against a certified or licensed nurse or deny an application for a certificate or
15 license for unprofessional conduct.

16 7. Code section 2762 states, in pertinent part:

17 In addition to other acts constituting unprofessional conduct within the
18 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct
for a person licensed under this chapter to do any of the following:

19 (a) Obtain or possess in violation of law, or prescribe, or except as
20 directed by a licensed physician and surgeon, dentist, or podiatrist administer to
himself or herself, or furnish or administer to another, any controlled substance as
21 defined in Division 10 (commencing with Section 11000) of the Health and Safety
Code or any dangerous drug or dangerous device as defined in Section 4022.

22 (b) Use any controlled substance as defined in Division 10 (commencing
23 with Section 11000) of the Health and Safety Code, or any dangerous drug or
dangerous device as defined in Section 4022, or alcoholic beverages, to an extent
24 or in a manner dangerous or injurious to himself or herself, any other person, or
the public or to the extent that such use impairs his or her ability to conduct with
25 safety to the public the practice authorized by his or her license.

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8. Code section 4060 states, in pertinent part:

“No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor.”

COST RECOVERY

9. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

DRUGS

10. "Marijuana" is a Schedule I controlled substance as designated by Health and Safety Code section 11054(d)(13).

FIRST CAUSE FOR DISCIPLINE

(Possessed and Self-Administered a Controlled Substance)

11. Respondent is subject to discipline under Code section 2761(a) on the grounds of unprofessional conduct as defined in Code section 2762(a) in that on or about September 22, 2003, while employed as a registered nurse at Hoag Hospital, Newport Beach, California, Respondent did the following:

a. Respondent possessed Marijuana, a controlled substance, in violation of Code section 4060, in that she did not have a prescription.

b. Respondent self-administered Marijuana, a controlled substance, without lawful direction from a licensed physician and surgeon, dentist or podiatrist.

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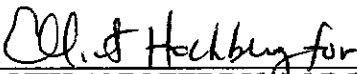
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1 4. Ordering Teresa Anne Mullin to pay the Board of Registered Nursing the
2 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
3 Professions Code section 125.3; and,

4 5. Taking such other and further action as deemed necessary and proper.

5 DATED: 12/19/07

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7 
8 RUTH ANN TERRY, M.P.H., R.N.
9 Executive Officer
10 Board of Registered Nursing
11 Department of Consumer Affairs
12 State of California
13 Complainant

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